

#5

FACSIMILE COVER SHEET**TAROLLI, SUNDHEIM, COVELL, TUMMINO & SZABO****ATTORNEYS AT LAW**

1111 Leader Building, Cleveland, Ohio 44114

PHONE: (216) 621-2234

FAX: (216) 621-4072

TO: Fred Smith
(703) 305-3230

FROM: Kathleen McCafferty

DATE: June 26, 2001

RE: U.S. Patent 09/720,502
Filed December 27, 2000
Our File; UDL-5648

MESSAGE

Dear Mr. Smith;

Thank you for returning my telephone call regarding the above-identified U.S. Patent Application.

Following this cover sheet are copies of all previous items/documentation with regard to the Declaration and payment of the surcharge for the subject application.

Per our telephone conversation, you told me to disregard the PCT/DO/EO/905 and, after receiving the attached items, and the application file in the next day or two, would issue a PCT/DO/EO/903.

Please contact me if you are in need of any further information. I will await the Notification of Acceptance.

Sincerely,

Kathleen McCafferty

Group 202

PCT

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, PCT Division, to the attention of Anthony Smith, facsimile No. (703)308-6459 on:

May 23, 2001

Kathleen McCafferty
Kathleen McCafferty

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : GILBERT, M.

U.S. Serial No. : 09/720,520

U.S. Filing Date : 27 December 2000

International Appln No. : PCT/GB99/02125

International Filing Date : 02 July 1999

Priority Date(s) Claimed : 02 July 1998

Title : ELECTRONIC SYSTEM
ARCHITECTURE

Petitions Attorney : Anthony Smith
PCT Legal Office

Attorney Docket No. : UDL-5648
Cleveland, Ohio 44114
May 23, 2001

BOX PCT

Comm. Patents and Trademarks
Washington, D.C. 20231

RESPONSE TO NOTIFICATION

Sir:

In response to the recent Notification (mailed approximately May 17, 2001) our office noted the incorrect issuance of the Notification of Acceptance and contacted Mamie Pearson (whom issued the Notification of Acceptance) on

U.S. Serial No. 09/720,520

Page 2


February 12th . Ms. Pearson stated she would vacate the Notification of Acceptance and issue a PCT/905. We subsequently contacted Ms. Pearson on March 28th and again on April 18th as our Office had not received the PCT/905.

Although we had not received the PCT/905, on April 23rd we submitted the Declaration and \$130 surcharge with a Letter explaining the circumstances of the application via the U.S. Post Office.

Following this cover sheet is a true and accurate photocopy of all items submitted to the U.S. Patent Office. Additionally attached is a copy of the return postcard confirming receipt of said items in the U.S. Patent Office.

Should you have any questions, please let me know.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177

Tarolli, Sundheim, Covell, Tummino & Szabo
1111 Leader Building
Cleveland, Ohio 44114

(216) 621-2234

MAY 17 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

Thomas L. Tarolli
 Tarolli, Sundheim, Covell, Timmino & Szabo
 1111 Leader Building
 Cleveland, Ohio 44114

RECEIVED

MAY 21 2001

TAROLLI, SUNDHEIM, COVELL, TIMMINO & SZABO

In re Application of
 GILBERT, Martyn
 Application No.: 09/720,502
 PCT No.: PCT/GB99/02125
 Int. Filing Date: 02 July 1999
 Priority Date: 02 July 1998
 Attorney Docket No.: UDL-5648
 For: ELECTRONIC SYSTEM ARCHITECTURE

ENTERED
 4
 UDL-5648
 TLJ

NOTIFICATION

The above-captioned application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 02 July 1999, applicant filed international application no. PCT/GB99/02125 which claimed priority date of 02 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 January 2000. A DEMAND for international preliminary examination was filed on 19 January 2000 prior to the expiration of 19 months from the priority date. Accordingly, the thirty-month period for submitting the basic national fee for entering the national stage in the United States of America expired at midnight on 02 January 2001.

On 27 December 2000, applicant filed a transmittal letter for entry into the national stage in the United States of America. Filed with the transmittal letter were, inter alia: the requisite \$860 basic national fee; International Preliminary Examination Report; Notification of Recording of a Change (PCT/IB/306); and a preliminary amendment. An oath or declaration of inventor was not included.

On 01 February 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date and a 35 U.S.C. 102(e) date of 27 December 2000.

DISCUSSION

A review of the application file and other Patent and Trademark Office records reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO/US on 01 February 2001. Specifically, the oath or declaration requirement under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America has not been satisfied. As such, the 01 February 2001 Notification of Acceptance of Application was erroneously mailed by the DO/EO/US and must be vacated.

Application No.: 09/720,502

Page

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CONCLUSION

Accordingly, the 01 February 2001 Notification of Acceptance of Application is hereby **VACATED**.

The application is being returned to the DO/EO/US for processing in accordance with this decision, that is, for mailing a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration along with the \$130 surcharge for filing the oath or declaration after the thirty-month period is required.



Boris Milef
PCT Legal Examiner
PCT Legal Office



Anthony Smith
Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

True & Accurate Copy



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 202

COPY

U.S. APPLICATION NO. 09/720502	FIRST NAMED APPLICANT GILBERT	ATTY. DOCKET NO. UDL-5648
THOMAS L TAROLLI TAROLLI SUNDHEIM COVELL TUMMINO & SZABO 1111 LEADER BUILDING CLEVELAND, OH 44114		INTERNATIONAL APPLICATION NO. PCT/GB99/02125
L.A. FILING DATE 02 JUL 99		PRIORITY DATE 02 JUL 98

DATE MAILED: 01 FEB 2001

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is **ACCEPTED** for national patentability examination in the United States Patent and Trademark Office.

2. The United States Application Number assigned to the application is shown above and the relevant dates are:

27 Dec 00
35 U.S.C. 102(e) DATE

27 Dec 00
DATE OF RECEIPT OF
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 27 Dec 00 and the application will be examined in turn.

4. The following items have been received:

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☒ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.

The Article 19 amendments ☐ have ☐ have not been entered.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).

☐ Translation of Annexes to the IPER into English.

The Annexes ☐ have ☐ have not been entered.

☒ Preliminary amendment(s) filed 27 Dec 00 and

☒ Information Disclosure Statement(s) filed 27 Dec 00 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Mamie Person

Telephone: 703-305-3737

PATENT

I hereby certify that this correspondence is being deposited with the U.S. Postal Service First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231,

On 4-23-01
J. McCafferty 4-23-01
SIGNATURE DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : GILBERT, M.
U.S. Serial No. : 09/720,520
Filing Date : 27 December 2000
International Appln No. : PCT/GB99/02125
International Filing Date : 02 July 1999
Priority Date Claimed : 02 July 1998
For : ELECTRONIC SYSTEM ARCHITECTURE
Group Art Unit :
Examiner :
Attorney Docket No. : UDL-5648
Cleveland, OH 44114
April 18, 2001

Comm. Patents and Trademarks
Washington, D.C. 20231

LETTER

Sir:

The above-identified U.S. patent application was filed December 27, 2000. The subject application was filed claiming priority from PCT/GB99/02125.

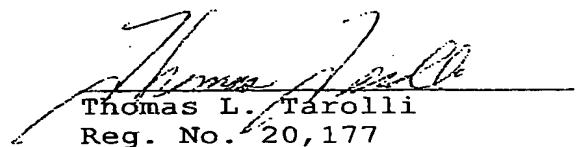
U.S. Serial No. 09/720,502

On February 1, 2001 we received a "Notification of Acceptance of Application Under 35 USC 371 and 37 CFR 1.494 or 1.495" even though the application was filed without a Declaration and Power of Attorney.

Our office contacted Mamie Person, the signature on the "Notification..." (703-305-3737) on three occasions regarding this oversight. Ms. Person stated in February that she would rescind the "Notification of Acceptance..." and issue a "Notice of Missing Requirements...". To date we have received no Notice requesting the missing declaration.

Therefore we are forwarding the Declaration for the subject application without having received a request for it. Also, enclosed is a check for \$130 to cover the charge for late filing of the Declaration. Should you have any questions, please contact the undersigned.

Respectfully submitted,



Thomas L. Tarolli
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL, TUMMINO & SZABO
526 Superior Avenue
1111 Leader Building
Cleveland, OH 44114-1400

(216) 621-2234

FILED 08 2001



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20230

COPY

U.S. APPLICATION NO. 09/720502	FIRST NAMED APPLICANT GILBERT	ATTY. DOCKET NO. UDL-5648
THOMAS L TAROLLI TAROLLI SUNDHEIM COVELL TUMMINO & SZABO 1111 LEADER BUILDING CLEVELAND, OH 44114		INTERNATIONAL APPLICATION NO. PCT/GB99/02125
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AND 37 CFR 1.494 OR 1.495

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☒ Preliminary amendment(s) filed 27 Dec 00 and

☒ Information Disclosure Statement(s) filed 27 Dec 00 and

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Mamie Person *MP*

PLEASE DATE AND RETURN

Date Mailed 4/23/01 Item UDL-5648Applicant GILBERT, M. Serial No. 09/720,520Letter forwarding Declaration
CHECK \$130 (Surcharge for late filing)

TLT

OLL, SUNDHEIM, COVELL,
TUMMINO & SZABO
PATENT OFFICE ACCOUNT
1111 LEADER BUILDING
526 SUPERIOR AVE.
CLEVELAND, OHIO 44114

National City.National City Bank
Cleveland, Ohio

9521

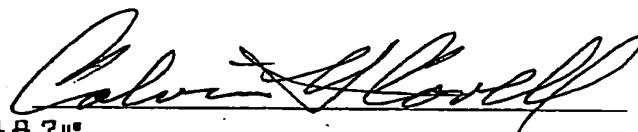
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BRANCH 01

CHECK NO. DATE AMOUNT

, --ONE-HUNDRED THIRTY AND NO/100--

April 23, 2001 \$130.00

ER

COMMISSIONER OF PATENTS
WASHINGTON, D. C. 20231


5648 "009521" :041000124: 2119187"

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.OLL, SUNDHEIM, COVELL, TUMMINO & SZABO
PATENT OFFICE ACCOUNT

INVOICE		DESCRIPTION	TOTAL AMOUNT	DEDUCTIONS		NET AMOUNT
NO.				DISCOUNT	FREIGHT	
/01		Surcharge for filing late declaration re U.S. Gilbert et al. Serial No. 09/720,520, f. 12/27/00, for ELECTRONIC SYSTEM ARCHITECHTURE UDL-5648 TLT:kmc				\$130.00



ENTERED
TLT UDL-5648

PLEASE DATE AND RETURN

Date Mailed 4/23/01 Item UDL-5648

Applicant GILBERT, M. Serial No. 09/720,520

Letter forwarding Declaration
CHECK \$130 (Surcharge for late filing)



TLT

JC03 Rec'd PCT/PTO 27 APR 2001